

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
 HANA F. AL JADER)

Criminal No. 05-10085-RCL

**DEFENDANT’S THIRD MOTION IN LIMINE
TO EXCLUDE EVIDENCE**

Defendant Hana F. Al Jader hereby moves in limine for an order precluding the government from referring to Ms. Al Jader’s domestic employees, Trimurnyati Dzalipa (“Tri” or “Sophia”) and Rohimah Bakri (“Rohimah”), as “victims.” They are not and will not be victims unless and until the government proves beyond a reasonable doubt that Ms. Al Jader committed the crimes charged in the indictment. As grounds for this motion, Ms. Al Jader states as follows.

This case is not like an armed robbery at gunpoint, a carjacking or a drive by shooting resulting in a dead body lying on the street. In those types of cases, there is no doubt that a crime occurred. There is no doubt that the person robbed or killed is the victim of a crime. The only issue is whether the person charged with the crime is the one who committed it.

Here, by contrast, Ms. Al Jader vigorously will contest that her conduct was criminal. In this respect, this case is like a fraud case with a materiality defense or a rape case with a consent defense. There is no victim unless and until the government proves that the defendant’s conduct was criminal.

Under the circumstances, it would be unfairly prejudicial for the court to permit the government in its opening statement or through the testimony of its law enforcement

and lay witnesses to refer to Sophia and Rohimah as victims, or for the court to refer to them that way. They are “alleged victims” unless and until the government proves that Ms. Al Jader committed a crime. The court should require the government and its witnesses to refer to them as “alleged victims,” or a neutral term such as the “girls” or the “maids.”

HANA AL JADER

By her attorneys,

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 22, 2006.

/s/ E. Peter Parker

E. Peter Parker